

**SOUTH DAKOTA DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

**ECCO
Continuous Improvement Monitoring Process Report 2003**

OSE Reviewer: Angie Boddicker, Education Program Representative, Special Education Programs

Dates of On Site Visit: August 13-14, 2003

Date of Report: August 19, 2003

This report contains the results of the self-assessment and the validation of the self-assessment by Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice	The agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
Meets Requirements	The agency consistently meets this requirement.
Needs Improvement	The agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.
Out of Compliance	The agency consistently does not meet this requirement.
Not applicable	In a small number of cases, the standard may not be applicable for your agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

Principle 1 – General Supervision
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General supervision means the agency's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the agency, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Meets requirements

The reviewer concluded agency procedures meet the requirements of child find. The agency has an effective pre-referral system as noted in the agency policy manual. There are no agency students enrolled in private schools. The goals and objectives for each student are aligned with the ECCO agency curriculum which is in turn aligned with the South Dakota content standards or functional standards. The agency suspension and expulsion policies meet state and federal regulation. The agency has employed fully certified personnel for all professional positions.

Principle 2 – Free Appropriate Public Education
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All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Meets requirements

The reviewer concluded the agency budget has set aside money to pay for occupational therapy, physical therapy, speech therapy, and transportation costs. Related services addressed in student individual education programs are provided. The agency comprehensive plan ensures that students who may be suspended or expelled are provided a free appropriate education.

Principle 3 – Appropriate Evaluation

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Meets requirements

The steering committee concluded a team of people make decisions regarding evaluation and eligibility. Evaluations are conducted in all areas of suspected disability and the South Dakota eligibility criteria are used as a basis for determining eligibility. Prior notice is obtained before evaluation/reevaluation and evaluation procedures, instruments and timelines meet minimum requirements. Dismissals from special education are based upon evaluation results and classroom performance.

Out of Compliance

24:05:25:04.02. Determination of needed evaluation data. As part of an initial evaluation, if appropriate, the individual education program team required by § 24:05:27:01.01 and other individuals with knowledge and skills necessary to interpret evaluation data, determine whether the child has a disability, and determine whether the child needs special education and related services as appropriate, shall:

- (1) Review existing evaluation data on the child, including:
 - (a) Evaluations and information provided by the parents of the child;
 - (b) Current classroom-based assessments and observations; and
 - (c) Observations by teachers and related services providers; and
- (2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:
 - (a) Whether the student has a particular category of disability as described in this article;
 - (b) The present levels of performance and educational needs of the student; and
 - (c) Whether the student needs special education and related services

Parents are not notified on the prior notice of what evaluations will be done, nor is it documented that they are given the opportunity to provide input to the evaluation process. Through review of files and interview with staff, it is also noted that parents are not provided a copy of evaluation reports.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The agency makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Meets requirements

The reviewer concluded that parents are informed of their parental rights. Parents have been informed of all relevant consent information in their native language. Parents have the opportunity to access and inspect applicable student records. The agency has procedures within the comprehensive plan which meet the requirements of surrogate parent appointments. The agency comprehensive plan has policies and procedures for responding to complaint and due process hearings.

Out of compliance

24:05:29:15. Destruction of information. The school district shall inform parents when personally identifiable information collected, maintained, or used under this chapter is no longer needed to provide educational services to the student.

The information no longer needed must be destroyed at the request of the parents. However, a permanent record of the student's name, address, and phone number, the student's grades, attendance record, classes attended, and grade level completed may be maintained without time limit.

The agency keeps records for seven years, but there is no documentation to the parents/adult students to let them know when records are going to be destroyed.

Principle 5 – Individualized Education Program

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Meets requirements

The steering committee concluded that the IEP team requirements and other identified responsibilities are met in a satisfactory manner. Written notice is provided for all individual education program (IEP) meetings and the IEP includes all required content. Transition plans are developed as a coordinated set of activities based on the transition needs of the student.

Out of compliance

24:05:27:01.02. Development, review, and revision of individualized education program. In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their

student, the results of the initial or most recent evaluation of the student, and as appropriate, the results of the student's performance on any general state or district-wide assessment programs.

24:05:27:09. Revision of individual educational program upon change. A change in measurable annual goals, benchmarks, short-term instructional objectives, amount of services, or program modifications constitutes a revision of the child's individual educational program. The district must notify the parents of the proposed changes and initiate an IEP team meeting.

24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

- (1) A statement of the student's present levels of educational performance, including:
- (2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to:
 - (a) Meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum; and
 - (b) Meeting each of the student's other educational needs that result from the student's disability;
- (3) A statement of the special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student:
 - (a) To advance appropriately toward attaining the annual goals;
- (7) A statement of:
 - (a) How the student's progress toward the annual goals described in this section will be measured; and
 - (b) How the student's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled student's progress of:
 - (i) Their student's progress toward the annual goals; and
 - (ii) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year;
- (8) For each student beginning at age 14 or younger if determined appropriate by the placement committee, and updated annually, a statement of the transition service needs of the student under the applicable components of the student's individualized education program that focuses on the student's course of study such as participation in advanced-placement courses or a vocational education program;
- (9) For each student beginning at age 16 or younger, if determined appropriate by the placement committee, a statement of the needed transition services, as defined in § [24:05:27:13.02](#), including, as applicable, interagency responsibilities or any needed linkages;

24:05:27:13.02. Transition services. Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community

experiences, the development of employment and other postschool adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

The agency has a questionnaire that is used for input. Parents provide verbal input at meetings, but it is not documented. Meetings are held throughout the year when changes are needed to the student's IEP. It was found in file reviews that addendum meetings are not properly documented as there are no prior notices sent out to the entire team to let them know a meeting is going to be held. Post secondary goals need to be written more specific within the IEP. A goal written for money skills did not give specific objectives on how the skill would be worked on. Documentation on monthly progress charts have more specific examples of what the provider has been working on, for example "checkbook skills" and "counting back change" will be worked on. Through file review, it was found that the duration of services is not included on the IEP. For example, it was stated where physical therapy sessions were to be held, and who would implement the services, but it did not state how long (how many minutes/hours) the services would last per day/week.

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Out of Compliance

24:05:28:03. Factors in determining placements. Each school district shall establish and implement procedures which ensure that the following factors are addressed in determining placements:

- (1) Each child's educational placement must be individually determined at least annually and must be based on the child's individual education program;
- (2) Provisions are made for appropriate classroom or alternative settings necessary to implement a child's individual education program;
- (3) Unless a child's individual education plan requires some other arrangement, the child shall be educated in the school which that child would normally attend if not disabled. Other placement shall be as close as possible to the child's home;
- (4) Placement in the least restrictive environment will not produce a harmful effect on the child or reduce the quality of services which that child needs; and
- (5) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Through file reviews, it was found that justification for placement is not addressed in the IEP as there was not a sentence stating why current placement was the best for the student.